

**GARDERE**attorneys and counselors • [www.gardere.com](http://www.gardere.com)RECEIVED  
CENTRAL FAX CENTER

NOV 20 2006

**Fax**

DATE November 20, 2006

TO	COMPANY	PHONE NO.	FAX NO.
USPTO			<b>Central Fax# 571.273.8300</b>

FROM	Robert J. Ward	<a href="mailto:rward@gardere.com">rward@gardere.com</a>
DIRECT LINE	214-999-4266	
DIRECT FAX	214-999-3266	
CLIENT/MATTER NO.	129843.1030	
TOTAL PAGES (including cover)	3	

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I, Jan Jones, hereby certify that on November 20, 2006, the following papers (along with any paper referred to as being attached or enclosed or actually enclosed) are being facsimile transmitted to the U.S. Patent and Trademark Office at 571.273.8300.

  
Signature of Person Certifying

Application No. 10/757330

Filing Date: January 13, 2004

Title: FIBER CEMENT COMPOSITE MATERIALS USING SIZED  
CELLULOSE FIBERS

## Documents Enclosed:

1. Power of Attorney and Correspondence Address Indication Form
2. Statement Under 37 CFR 3.73(b)

**NOTICE BY GARDERE WYNNE SEWELL LLP**

The message herein contained or attached documents accompanying this facsimile contains information from the law firm of Gardere Wynne Sewell LLP which is confidential and/or privileged, or may contain attorney work product. The information is intended only for the use of the addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of such facsimile and attachments is strictly prohibited, and may be unlawful. If you have received this facsimile in error, please destroy without disclosing the contents, and notify the sender immediately. Unintended transmission does not constitute waiver of the attorney-client privilege or any other privilege.

Unless expressly stated otherwise, nothing contained in such message should be construed as a digital or electronic signature, nor is it intended to reflect an intention to make an agreement by electronic means.

DALLAS 1727442v1

GARDERE WYNNE SEWELL LLP

3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201-4761 • 214.999.3000 Phone • 214.999.4667 Fax

Austin • Dallas • Houston • Mexico City

11-20-06 15:03 From-GARDERE

NOV 20 2006

+2149994176

T-986 P.02/03 F-372

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/757330
Filing Date	01-13-2004
First Named Inventor	Donald J. Merkley
Title	Fiber Cement Composite...
Art Unit	1732
Examiner Name	DANIELS Matthew J.
Attorney Docket Number	129843.1030

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

60148

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

☒ Firm or Individual Name Robert J. Ward, Gardere Wynne Sewell LLP

Address

1601 Elm Street, Suite 3000

City

Dallas

State

Texas

Zip

75201

Country

United States of America

Telephone

214.999.4266

Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	March 15, 2006
Name	Benjamin P. Butterfield	Telephone	+31 20 3012 9810
Title and Company	General Counsel, James Hardie International Finance B.V.		
Signature		Date	March 15, 2006
Name	Nina Moritz	Telephone	+31 20 3013 824
Title and Company	Managing Director, James Hardie International Finance B.V.		

NOV 20 2006

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner James Hardie International Finance B.V.Application No./Patent No./Control No.: 10/757330 Filed/Issue Date: 1-13-04Entitled: Fiber Cement Composite Materials Using  
Sized Cellulose Fibers

James Hardie International Finance B.V. a \_\_\_\_\_

(Name of Assignee)

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

- B. ☒ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as follows:

1. From: Donald J. Merkley To: James Hardie Research Pty Limited  
The document was recorded in the United States Patent and Trademark Office at  
Reel 018633 Frame 0725 or for which a copy thereof is attached.
2. From: James Hardie Research Pty Limited To: James Hardie International Finance B.V.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 015980 Frame 0271 or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_ or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Benjamin P. Bumsfield  
Signature  
Benjamin P. Bumsfield  
Printed Or Typed Name

General Counsel, James Hardie International Finance B.V.  
Title

Nita Montz  
Signature  
Nita Montz  
Printed Or Typed Name

Managing Director, James Hardie International Finance B.V.  
Title

March 15, 2006  
Date  
+31203012986  
Telephone Number

March 15, 2006  
Date  
+31203013824  
Telephone Number